

6-7-2022

## Sinking Mink: An Argument for Ending the Mink Industry in Nova Scotia

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### Recommended Citation

Sarah Frame, "Sinking Mink: An Argument for Ending the Mink Industry in Nova Scotia" (2022) 45:1 Dal LJ 109.

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Sarah Frame\*

## Sinking Mink: An Argument for Ending the Mink Industry in Nova Scotia

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*Nova Scotia produces more mink pelts than any other province, but its fur farming industry imposes costs disproportionate to its benefits. These costs include the substantial financial aid given to mink farms, the toxic algae blooms in some lakes, the frequent spread of viruses from mink to humans and wildlife, the regular and wasteful mass culls of diseased mink, and the animal suffering caused by captivity, neglect, and abuse. Federal and provincial legislation does not and cannot provide meaningful protection to mink because of innate species characteristics and the cruelties inherent in the fur industry. Due to the association between mink farming and the spread of COVID-19, British Columbia plans to prohibit the practice; Nova Scotia should do the same.*

*La Nouvelle-Écosse produit plus de fourrures de vison que toute autre province, mais son industrie de la fourrure impose des coûts disproportionnés par rapport à ses avantages. Ces coûts comprennent l'aide financière substantielle accordée aux fermes de visons, la prolifération d'algues toxiques dans certains lacs, la propagation fréquente de virus du vison aux humains et aux animaux sauvages, l'abattage massif régulier et inutile des visons malades et la souffrance animale causée par la mise en captivité, la négligence et les mauvais traitements. Les lois fédérales et provinciales n'offrent pas et ne peuvent pas offrir une protection significative au vison en raison des caractéristiques innées de l'espèce et des cruautés inhérentes à l'industrie de la fourrure. En raison de l'association entre l'élevage de visons et la propagation de la COVID-19, la Colombie-Britannique prévoit d'interdire cette pratique. La Nouvelle-Écosse devrait faire de même.*

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*Introduction*

It is an understatement to say the COVID-19 pandemic has disrupted many industries. In some sectors, like tourism, the disruptions were expected. In others, the changes were impossible to foresee. Although fur farming has long received negative publicity because of the animal welfare issues it presents, COVID-19 has shone a spotlight on the public health risks presented by the fur industry. British Columbia has recognized these concerns and plans to phase out fur farming in the province by 2025.<sup>1</sup> This is an opportune time to discuss the possibility of ending fur farming in Nova Scotia.

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1. "BC to Permanently Close All Mink Farms Over COVID-19 Transmission Risk," *CBC News* (5 November 2021), online: <[www.cbc.ca/news/canada/british-columbia/mink-farming-bc-1.6238923](http://www.cbc.ca/news/canada/british-columbia/mink-farming-bc-1.6238923)> [perma.cc/99G9-HZ3B] [*BC to Permanently Close*].

Mink farming in Nova Scotia has a long and tumultuous history. It has provided substantial economic benefits to the province in the past, but its deleterious effects have come to outweigh its utility. Some of these negative effects are economic or environmental in nature. Others, like worker neglect or poor conditions on farms, pertain to animal welfare or animal rights. Current federal and provincial legislation fails to adequately address these effects, and a review of other jurisdictions reveals they can only be avoided by discontinuing the practice of fur farming. This paper explains why the adverse impacts of mink farming are far more significant than its benefits and why the only solution to these problems is to make it impossible to farm fur in Nova Scotia.

The scope of this paper is limited in two ways. First, it focuses entirely on farmed mink in Nova Scotia. Some Canadian farms produce fox or chinchilla fur, but their numbers are dwarfed by the number of mink farms.<sup>2</sup> In a similar vein, trapping is a fur-gathering practice that continues to exist in Canada to some extent, but it predominantly occurs in other areas of the country and is not discussed in this paper.<sup>3</sup> Second, this paper does not explore the animal rights theory that it is inherently unethical for humans to use animals as resources. Instead, this paper adopts an animal welfare approach. This theory suggests it is desirable to balance human interests and non-human animal interests, and a particularly strong interest on one side should outweigh a weak interest on the other.<sup>4</sup>

### I. *Mink farms in Nova Scotia: background and context*

The Maritime region has been at the forefront of fur farming ever since the industry gained a foothold in Canada in the 1880s.<sup>5</sup> Prince Edward Island was the “original [fur] farming centre of the country.”<sup>6</sup> Farmers in this region carried out experiments in breeding, penning, and feeding foxes in order to procure high-quality fur.<sup>7</sup> Because of these efforts, Prince

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2. There were 98 Canadian mink farms in 2018 and only 27 fox farms. Statistics Canada, *Supply and Disposition of Mink and Fox on Fur Farms*, Table 32-10-0116-01 (Ottawa: Statistics Canada, 1 December 2020) [*Supply and Disposition of Mink*].

3. “Canada’s Fur Trade: Facts & Figures” (2019), online: *Fur Institute of Canada* <fur.ca/fur-trade/canadas-fur-trade-fact-figures/> [perma.cc/6NLC-TAV8].

4. A brief overview and comparison of these two philosophies can be found at “Animal Welfare vs Animal Rights,” *Alberta Animal Health Source* (2021), online: <www.albertaanimalhealthsource.ca/content/animal-welfare-vs-animal-rights/> [perma.cc/GSV8-C8CP]. For a more in-depth discussion of animal welfare’s “balancing” philosophy, see Gary Francione, *Animals, Property, and the Law* (Philadelphia: Temple University Press, 1995).

5. George Colpitts, “Conservation, Science and Canada’s Fur Farming Industry, 1913–1945” (1997) 30:57 *Social History* 77 at 80.

6. *Ibid* at 95.

7. *Ibid* at 79 (fox fur dominated the fur industry in Canada during this time, but mink supplanted foxes as the fur-bearing animal of choice for Canadian farmers within the decade).

Edward Island had begun to gain a prestigious international reputation for its black and dark silver fox skins by the turn of the 20th century. A 1913 report funded by the Canadian Commission of Conservation remarked that fox skins from the province “have rarely brought less than five hundred dollars each, and frequently bring over two thousand dollars at London auction sales.”<sup>8</sup> Statements such as these piqued the Canadian public’s interest in the report and it was republished soon after its original release. Enterprising farmers began to move with greater frequency into Canada’s burgeoning fur farming sector.<sup>9</sup>

A group of mink farmers established themselves in Nova Scotia’s Digby County during the 1930s.<sup>10</sup> The availability of fish and eels made this a logical location to capture, breed, and raise the carnivorous and semi-aquatic mammals.<sup>11</sup> The Nova Scotia Mink Breeders’ Association formed in 1938,<sup>12</sup> and its farmers reaped high profits as mink became the fur *en vogue* in the years following the Second World War.<sup>13</sup>

The Digby farmers followed in the footsteps of the Prince Edward Island ranchers who developed so many fox farming techniques. Brothers Edsel and Wallace Mullen were the first in the world to breed jet-black mink in the 1960s.<sup>14</sup> International breeders were willing to pay top dollar for this new colour of breeding stock.<sup>15</sup> Within a year of the first sale of jet-black mink, the pair had become “two of the richest farmers in Canadian history.”<sup>16</sup>

The size of Nova Scotia’s mink industry has increased and decreased in dramatic but fairly regular waves since this time. The number of mink farms reached lows in the 1970s and 1990s and peaked in the early 1980s, 2000s, and 2010s.<sup>17</sup> Today, there are fewer mink farms than ever before in Nova Scotia, but it remains the mink farming capital of Canada. Forty-three of the country’s 98 mink farms are located in this province, and its farms produce forty per cent of the nation’s pelts.<sup>18</sup>

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8. John Walter Jones, *Fur-Farming in Canada* (Montreal: Commission of Conservation, 1913) at 1.

9. Colpitts, *supra* note 5 at 80.

10. E Rendle Bowness, *History of the Early Mink People in Canada* (Canada: Canada Mink Breeders Association, 1980) at 34-42.

11. *Ibid* at 34-36.

12. *Ibid* at 102.

13. Colpitts, *supra* note 5 at 84.

14. Bowness, *supra* note 10 at 38.

15. *Ibid*.

16. Douglas Marshall, “How Two Mink Bred \$3 Million,” *MacLean’s* (4 June 1966), online: <archive.macleans.ca/article/1966/6/4/how-two-mink-bred-3-million> [perma.cc/JJA6-UH32].

17. *Supply and Disposition of Mink, supra* note 2.

18. *Ibid*.

## II. *Legislation and instruction regarding mink*

There is no federal regulation of fur farming in Canada. The country's *Criminal Code* prohibits individuals from wilfully causing unnecessary pain, suffering, or injury to an animal.<sup>19</sup> In theory, this protection applies to animals on fur farms. In practice, only one Canadian fur farmer has been convicted of violating this provision.<sup>20</sup> The *Code of Practice for the Care and Handling of Farmed Mink* (the "Code") is a publication offering a detailed set of guidelines for the proper treatment of mink.<sup>21</sup> However, animal law scholars have criticized this Code, along with others crafted by the National Farm Animal Care Council, for being of indeterminate legal force.<sup>22</sup> These Codes are also flawed because they are written by farm operators rather than independent third parties.<sup>23</sup>

Nova Scotia has enacted more legislation that applies to fur farming than any other province. The *Fur Industry Act*<sup>24</sup> and its associated *Regulations*<sup>25</sup> pertain to mink farms. The provincial *Animal Protection Act* also contains some care requirements for animals on fur farms.<sup>26</sup> All of this provincial legislation, unfortunately, falls short when it comes to addressing specificities about the appropriate standard of care for mink, who are generally kept and killed on farms rather than hunted.

The *Fur Industry Act* limits its instruction in the care of fur-bearing animals to only two provisions. The first decrees farmers must provide animals with adequate feed, shelter, and clean, fresh water.<sup>27</sup> It also states operators should handle and slaughter the animals "in a humane manner."<sup>28</sup> The second provision requires farmers to keep mink quarters in a "clean and sanitary condition."<sup>29</sup> These sections of the *Act* are vague enough to be toothless in all but the most extreme cases of abuse and neglect, in which case the *Criminal Code* provisions would already apply (although,

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19. *Criminal Code*, RSC 1985, c C-46, s 445.1.

20. This case will be discussed in greater detail later in this paper. See textual discussion accompanying note 95 *infra*.

21. National Farm Animal Care Council, *Code of Practice for the Care and Handling of Farmed Mink* (Rexdale: National Farm Animal Care Council, 2013) [*Mink Code of Practice*].

22. See Peter Sankoff, "Canada's Experiment with Industry Self-Regulation in Agriculture: Radical Innovation or Means of Insulation?" (2019) 5-1 Can J Comparative & Contemporary L 299 at 316-317; Anna Pippus, "Strengthening Farmed Animal Welfare Laws," *Animal Justice* (16 October 2014), online (blog): <animaljustice.ca/blog/strengthening-canadas-farmed-animal-welfare-laws> [perma.cc/5WLK-VZ8R].

23. Lesli Bisgould, *Animals and the Law* (Toronto: Irwin Law, 2011) at 198.

24. *Fur Industry Act*, RSNS 2012, c 58.

25. *Fur Industry Regulations*, NS Reg 106/2015, s 3 [*NS Regulations*].

26. *Animal Protection Act*, RSNS 2018, c 21.

27. *Fur Industry Act*, *supra* note 24, s 31.

28. *Ibid.*

29. *Ibid.*, s 32.

as mentioned above, the *Criminal Code* is almost never used to penalize fur farm workers or owners).

The *Fur Industry Regulations* focus on the adverse environmental impacts of mink farming.<sup>30</sup> The *Regulations* address topics like feces and carcass disposal and soil tests. This legislation is meaningless in terms of animal protection.

The *Animal Protection Act* offers a somewhat better shield for fur-bearing animals. By and large, the provisions of the *Act* apply to both companion and farm animals. One provision of the *Act* gives provincially appointed inspectors or peace officers the power to inspect a fur farm at any time.<sup>31</sup> The Nova Scotia Court of Appeal's treatment of this *Act* is also a small victory for those concerned with animal welfare. The Court concluded the *Act*'s "only purpose is to provide for the protection and aid of animals...the statute has little or nothing to do with the 'interests of the owner.'"<sup>32</sup> However, this statute does not sufficiently address the welfare concerns unique to animals kept in captivity for agricultural purposes because its provisions are written broadly to apply to all companion and farm animals in the province.

A review of legislation in other provinces provides mixed results. Ontario, the country's second-largest fur-producing province, repealed its *Fur Farms Act* in 1997. Accordingly, a party concerned about the treatment of animals on a fur farm must resort to the *Criminal Code* or the *Provincial Animal Welfare Services Act*.<sup>33</sup> The *Act* sets out the general stipulation that "every person who owns or has custody or care of an animal shall comply with the standards of care...with respect to every animal that the person owns or has custody or care of."<sup>34</sup> However, this does not apply to those carrying out activities "in accordance with the reasonable and generally accepted practices of agricultural animal care, management or husbandry," which exempts fur farmers from scrutiny as long as their practices are no more abhorrent than the standard.<sup>35</sup> Similarly, the provision that "no person shall cause an animal to be in distress" does not apply to any agricultural animal care carried out in accordance with "any standards of care or administrative requirements that expressly provide that they apply to that

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30. *NS Regulations*, *supra* note 25.

31. *Ibid*, ss 17, 20.

32. *Nova Scotia (Agriculture) v Rocky Top Farm*, 2017 NSCA 2 at para 54.

33. *Provincial Animal Welfare Service Act*, SO 2019, c 13.

34. *Ibid*, s 13(1).

35. *Ibid*, s 13(2).

activity.”<sup>36</sup> Only one fur farm has been convicted of violating Ontario’s provincial legislation due to animal mistreatment.<sup>37</sup>

British Columbia, the third-largest fur-producing province, has enacted the *Fur Farm Regulation* under its *Animal Health Act*.<sup>38</sup> This legislation contains an attention to detail regarding the care of fur-bearing animals that is not found in Nova Scotia’s legislation. For instance, the *Regulation* provisions require farmers to remove waste feed before fresh food is provided to the animals and to clean and sanitize the food delivery equipment daily. On the other hand, even this legislation has come under fire by animal activists for being too vague.<sup>39</sup> Additionally, unlike in Nova Scotia, an inspector can only step foot on a farm after taking reasonable steps to notify its owner of the date and time the inspector will enter the premises.<sup>40</sup> Representatives from BC’s Society for the Prevention of Cruelty to Animals (“SPCA”) reported in July 2020 that no mink farms had been inspected by the Ministry of Agriculture for almost two years, although the Ministry stated it inspected each of the province’s licensed mink farms in the fall of 2020 to ensure enhanced biosecurity measures were in place to protect against COVID-19.<sup>41</sup>

An overview of legislation in British Columbia, Ontario, and Nova Scotia reveals the protections given to farm and fur-bearing animals are vague and difficult to enforce, if they provide any protection at all. The focus of Nova Scotia’s *Fur Industry Regulations* on environmental concerns and Ontario’s failure to implement legislation pertaining to fur farms indicate legislators are reluctant to tackle the issue of animal welfare on fur farms. The laws in British Columbia and Ontario do not offer Nova Scotia a potential framework to attain better welfare for animals on fur farms.

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36. *Ibid*, s 15(4)(c).

37. This case will also be discussed in greater detail later in this paper. See textual discussion accompanying note 100 *infra*.

38. *Fur Farm Regulation*, BC Reg 8/2015, s 12(1) [*BC Regulations*].

39. Elizabeth McSheffrey, “Behind Bars: Canada’s Fur-farmed Mink and Fox,” *National Observer* (18 November 2015), online: <[www.nationalobserver.com/2015/11/18/behind-bars-canadas-fur-farmed-mink-and-fox](http://www.nationalobserver.com/2015/11/18/behind-bars-canadas-fur-farmed-mink-and-fox)> [perma.cc/P8TM-7MVA].

40. *BC Regulations*, *supra* note 38, s 25.

41. Sara Dubois (BC SPCA Chief Scientific Officer), “Mink Farms Need Inspection,” Letter to the Editor, *The Province* (29 July 2020), online: <[www.pressreader.com/canada/the-province/20200729/281638192534877](http://www.pressreader.com/canada/the-province/20200729/281638192534877)> [perma.cc/CBS9-L5VJ]; Eva Uguen-Csenge, “Outbreak at Fraser Valley Mink Farm Renews Calls to End Fur Trade in Canada,” *CBC News* (7 December 2020), online: <[www.cbc.ca/news/canada/british-columbia/outbreak-at-fraser-valley-mink-farm-renews-calls-to-end-fur-trade-in-canada-1.5832021](http://www.cbc.ca/news/canada/british-columbia/outbreak-at-fraser-valley-mink-farm-renews-calls-to-end-fur-trade-in-canada-1.5832021)> [perma.cc/H7QR-H3TJ].

### III. *Economic arguments against mink farming*

#### 1. *Economic concerns generally*

Nova Scotia enacted the *Fur Industry Act* in 2010, a year when the fur industry was booming and mink pelts were Nova Scotia's largest and fastest-growing agricultural export.<sup>42</sup> Legislators believed the fur industry's growth could create "hundreds" of rural jobs.<sup>43</sup> The member of the legislative assembly for Clare (located in Digby County) made a passing reference to the cyclical nature of prices in the fur industry, but concluded the industry had a "very strong future outlook."<sup>44</sup> Simply put, legislators did not anticipate the extent to which pelt prices would collapse over the next decade.

When quantified, the severity of the price crash is shocking. Nova Scotia produced almost 1,250,000 pelts in 2010 and the value of those pelts at the time was roughly \$87,600,000, which meant the average price per pelt was \$70.<sup>45</sup> In 2018 the province produced fewer pelts (767,000), but the average pelt price was only \$25.50, just over a third of what it had been eight years earlier. As Canadian-produced fur is largely purchased by the international market, fur farm operators are subject to fluctuations unpreventable by the Canadian government or a strong domestic economy; important factors that contributed to the recent price plunge include a global oversupply of pelts and financial crises in overseas markets like Russia.<sup>46</sup> The MLA for Clare correctly acknowledged the volatility of prices in the fur industry, but the prices of the past few years have been disastrous. Fur auctioneers write that the mink industry is in a "terminal condition."<sup>47</sup> North American Fur Auctions, the largest fur auction house in North America, filed for creditor protection in 2019.<sup>48</sup>

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42. Nova Scotia Department of Agriculture, *An Overview of the Nova Scotia Agriculture and Agri-Food Industry, 2010* (Truro: Nova Scotia Department of Agriculture, 2011) at 39.

43. "Bill No 53, Fur Industry Act," 2nd reading, *Nova Scotia Legislature Debates*, 61-2, No 10-26 (3 May 2010) at 1814 (Hon Wayne Gaudet).

44. *Ibid* at 1811 (Leo Glavine).

45. Statistics Canada, *Number and Value of Mink Pelts Sold, by Colour Type*, Table 32-10-0115-01 (Ottawa: Statistics Canada, 1 December 2020).

46. Ashley Fitzpatrick, "Canadian Mink Farmers Work Through Uncertainty," *Atlantic Business* (10 November 2020), online: <[atlanticbusinessmagazine.ca/web-exclusives/canadian-mink-farmers-work-through-uncertainty/](http://atlanticbusinessmagazine.ca/web-exclusives/canadian-mink-farmers-work-through-uncertainty/)> [perma.cc/KQG7-T4TB]; Richard Cuthbertson, "A Booming Niche Industry Goes Bust, Quietly Taking Millions in Public Money with it," *CBC News* (29 May 2020), online: <[www.cbc.ca/news/canada/nova-scotia/mink-farming-canada-agristability-boom-bust-1.5495165](http://www.cbc.ca/news/canada/nova-scotia/mink-farming-canada-agristability-boom-bust-1.5495165)> [perma.cc/E3JM-8URX].

47. Fur Harvesters Auction Inc, News Release, "2020 Fur Market Forecast" (11 November 2019), online (pdf): <[www.furharvesters.com/pdf/forecast2020.pdf](http://www.furharvesters.com/pdf/forecast2020.pdf)> [perma.cc/KJV6-5L3B] at 1.

48. *Ibid*.

The Nova Scotian mink industry has been hit hard by this price decline. The mink industry is now “by far” the largest recipient of agricultural aid in Nova Scotia.<sup>49</sup> Since 2015, more than half of Nova Scotia’s mink farms have closed.<sup>50</sup> Despite this, the province attempted to boost the industry’s market position in 2021 by offering funding to 24 licensed producers.<sup>51</sup> Twelve farms have already received nearly \$780,000 as part of this program.<sup>52</sup>

## 2. *Concerns resulting from COVID-19*

The COVID-19 pandemic swept through mink farms in a number of countries, including Canada.<sup>53</sup> Infected workers passed the virus to mink, who inevitably spread the sickness through entire herds due to the close proximity of mink pens. The virus then transferred from infected mink to other workers.<sup>54</sup> This type of transmission is particularly dangerous for humans because there is evidence to suggest COVID-19 develops unique mutations while hosted in mink.<sup>55</sup> These mutations might render the virus more resistant to antibodies.<sup>56</sup>

Denmark was positioned to experience the most serious economic consequences from COVID-19 mink infections because the country has long been the world’s largest producer of mink pelts.<sup>57</sup> COVID-19 first appeared on Danish mink farms in June 2020 and spread rapidly.<sup>58</sup> Before the year’s end, nearly 650 people associated with mink farming in Denmark were infected.<sup>59</sup> The country’s government made worldwide headlines in early November 2020 when it ordered all Danish farmers to cull their mink herds, comprising about 17 million animals.<sup>60</sup> The story gained even more publicity shortly thereafter, when a newspaper revealed several prominent government officials had known for months that such

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49. Cuthbertson, *supra* note 46.

50. *Supply and Disposition of Mink*, *supra* note 2.

51. Camille Bains, “Nova Scotia Pays for COVID-19 Vaccines for Mink, BC Says No Before Closing Industry,” *Global News* (12 November 2021), online: <[globalnews.ca/news/8369162/ns-bc-covid-19-vaccines-mink/](https://globalnews.ca/news/8369162/ns-bc-covid-19-vaccines-mink/)> [perma.cc/6J9J-DJUV].

52. *Ibid.*

53. Adrienne Murray, “Coronavirus: Denmark Shaken by Cull of Millions of Mink,” *BBC News* (11 November 2020), online: <[www.bbc.com/news/world-europe-54890229](https://www.bbc.com/news/world-europe-54890229)> [perma.cc/Q78C-Y7ZN]; *BC to Permanently Close*, *supra* note 1.

54. World Health Organization, Disease Outbreak News, “SARS-CoV-2 mink-associated variant strain- Denmark” (3 December 2020), online: <[www.who.int/emergencies/disease-outbreak-news/](https://www.who.int/emergencies/disease-outbreak-news/)> [perma.cc/H3TT-QJDF].

55. *Ibid.*

56. *Ibid.*

57. Murray, *supra* note 53.

58. World Health Organization, *supra* note 54.

59. *Ibid.*

60. Murray, *supra* note 53.

a broad and strict order had no legal basis.<sup>61</sup> The ensuing political scandal caused the country's Minister of Agriculture to resign.<sup>62</sup>

The true economic impact of Denmark's COVID-19 culls on the global mink farming industry remains to be seen. Because the country produced an enormous number of pelts each year, its culls will go a long way toward mitigating the oversupply issue that partly triggered the pelt price collapse. Prices may rise as a result. There are some indications this spike is taking place; the CEO of the International Fur Federation claimed in early 2021 that pelt prices were already forty per cent higher than they had been in the fall of 2020.<sup>63</sup>

However, this price increase may be the last hurrah of a dying industry. Danish farmers have lost the breeding stock they developed over generations, which was each farmer's most valuable asset.<sup>64</sup> This may cause them to abandon fur farming in favour of other forms of employment. Moreover, Kopenhagen Fur, the cooperative owned by the Danish Fur Breeders' Association, plans to shut down operations permanently.<sup>65</sup> COVID-19 was a powerful enough threat to end large-scale fur production in the largest mink-fur-producing country in the world; COVID-19 or future disease fears might cause farmers in other jurisdictions to think twice before entering or re-entering the industry if pelt prices rise in response to Denmark's culls.

COVID-19 also has the potential to spur governments into action against the mink industry. The Netherlands' plan to phase out the mink industry by 2024 was fast-tracked to 2021 in response to the pandemic, and British Columbia has cited the virus as the basis for its decision to ban the practice.<sup>66</sup> Nova Scotia, by contrast, plans to contribute to the costs of a COVID-19 vaccination program for the province's farmed mink.<sup>67</sup> This

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61. Thomas Erdbrink & Marc Santora, "The Culling of Minks in Denmark Prompts a Political Crisis," *The New York Times* (19 November 2020), online: <[www.nytimes.com/2020/11/19/world/the-culling-of-minks-in-denmark-prompts-a-political-crisis.html](http://www.nytimes.com/2020/11/19/world/the-culling-of-minks-in-denmark-prompts-a-political-crisis.html)> [perma.cc/2VF2-BZYQ].

62. *Ibid.*

63. Dina Fine Maron, "What the Mink COVID-19 Outbreaks Taught Us About Pandemics," *National Geographic* (24 February 2021), online: <[www.nationalgeographic.com/animals/article/what-the-mink-coronavirus-pandemic-has-taught-us](http://www.nationalgeographic.com/animals/article/what-the-mink-coronavirus-pandemic-has-taught-us)> [perma.cc/B2ZC-K6VN].

64. Lisa Abend, "'I'm Only a Mink Killer': How COVID Caused Denmark's Historic Fur-Industry Disaster," *Vanity Fair* (19 November 2020), online: <[www.vanityfair.com/style/2020/11/how-covid-caused-denmarks-historic-fur-industry-disaster](http://www.vanityfair.com/style/2020/11/how-covid-caused-denmarks-historic-fur-industry-disaster)> [perma.cc/9NBP-JF7K].

65. *Ibid.*; Sophie Lewis, "Major Fur Auctioneer to Shut Down Following Link Between Mink and COVID-19 in Denmark," *CBS News* (14 November 2020), online: <[www.cbsnews.com/news/kopenhagen-fur-shut-down-mink-covid-19-demark/](http://www.cbsnews.com/news/kopenhagen-fur-shut-down-mink-covid-19-demark/)> [perma.cc/SV27-FSLD].

66. Helen Briggs, "'Mutant Coronavirus' Seen Before on Mink Farms, Say Scientists," *BBC News* (9 November 2020), online: <[www.bbc.com/news/science-environment-54867653](http://www.bbc.com/news/science-environment-54867653)> [perma.cc/JG33-4QD2]; *BC to Permanently Close*, *supra* note 1.

67. Bains, *supra* note 51.

plan, along with the funding program introduced in 2021, suggests Nova Scotia will spare no expense to continue propping up an increasingly obsolete industry.

#### IV. *Environmental arguments against mink farming*

Mink manure from fur farms is primarily responsible for the toxic blue-green algae blooming in Yarmouth and Digby County lakes since at least 2007.<sup>68</sup> Blue-green algae (also known as cyanobacteria) thrives on high rates of nitrogen and phosphorous, and mink manure is rich in these chemicals.<sup>69</sup> Cyanobacteria is hazardous to aquatic life and the health of humans and other mammals.<sup>70</sup> It can cause symptoms such as skin irritation, and prolonged or high exposure may cause liver damage.<sup>71</sup> These toxic blooms have also been linked to mass mortalities of waterbirds.<sup>72</sup>

The connection between mink farming and these blooms is obvious to the residents who live on or near the algae-infested lakes.<sup>73</sup> The most toxic is Nowlans Lake, bordered on its eastern shore by a mink farm. A 2009 report recommended residents refrain from swimming in or drinking water from the Lake.<sup>74</sup> This Lake failed to meet the Health Canada Guidelines for Recreational Water Quality again in 2015.<sup>75</sup> It still contained the highest cyanobacterial cell counts of all monitored affected lakes as of 2017.<sup>76</sup>

The Nova Scotian government enacted the *Fur Industry Regulations* in 2013 in response to calls to action by lakeside residents.<sup>77</sup> As stated above, these *Regulations* focus on reducing the environmental impact of mink farming by requiring operators to keep animal housing buildings and feces storage structures certain distances from watercourses.<sup>78</sup> The *Regulations*

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68. *Results of the 2017 Water Quality Survey of Eleven Lakes in Yarmouth and Digby Counties (Final Report)*, (Dartmouth: Stantec Consulting Ltd, 2017) at i [*Water Quality Survey*]. See also *Nova Scotia Mink Breeders Association (Re)*, 2010 NSUARB 166 at para 47.

69. Nova Scotia Agriculture and Fisheries, *On-Farm Composting of Mink Manure* (Truro: Nova Scotia Agricultural College, 2002).

70. Zbigniew Kaczkowski et al, "Relationships Among Cyanobacteria, Zooplankton and Fish in Sub-Bloom Conditions in the Sulejow Reservoir" (2017) 76:2 *J Limnology* 380.

71. "Blue-Green Algae" (8 October 2021), online: *Government of Nova Scotia* <novascotia.ca/nse/environmental-health/blue-green-algae.asp#impact> [perma.cc/M49C-Y32M].

72. Maria Aránzazu Mateos-Sanz et al, "Toxic Cyanobacteria and Wildlife Conservation: Proposal of a Procedure to Demonstrate Waterbird Mass Mortalities by Microcystin" (2009) 34 *Acta Botanica Malacitana* 5.

73. We Animals Media, "The Farm in My Backyard" (24 October 2019) at 00h:05m:45s, online (video): *YouTube* <www.youtube.com/watch?v=kfW9Jc0sgHY> [perma.cc/B44B-UCP6].

74. Darrell Taylor, *A Water Quality Survey of Nine Lakes in the Carleton River Watershed Area* (Yarmouth: Water & Wastewater Branch, Nova Scotia Environment, 2009) at 14.

75. *Water Quality Survey*, *supra* note 68 at 34.

76. *Ibid* at 8.

77. We Animals Media, *supra* note 73 at 00h:10m:00s.

78. *NS Regulations*, *supra* note 25, s 41.

also allow administrators to order random soil or fur farm surface water testing.<sup>79</sup> However, these *Regulations* may not be strict enough to improve fur farming practices or environmental conditions.<sup>80</sup> For instance, the *Regulations* permit fur farm operators to dispose of feces by on-farm composting, even though residents claim it is this type of composting that causes feces to leak into nearby lakes.<sup>81</sup> Nowlans Lake's repeated failure to meet Health Canada's minimum water quality benchmark is indicative of the ineffectiveness of these *Regulations*.

Mink farming is also associated with the spread of the Aleutian mink disease virus (AMDV), which has been recorded in North America, Europe, and Asia.<sup>82</sup> The disease causes decreased fertility, blood imbalances, kidney problems and, eventually, chronic immune dysfunction in mink.<sup>83</sup> It spreads on mink farms with relentless regularity and is notoriously difficult to eradicate. More than half of Nova Scotia mink farms had at least one positive AMDV test result each year from 2001–2005.<sup>84</sup> There is no treatment or vaccine, so any captive mink testing positive for the virus is killed.<sup>85</sup>

It remains controversial whether AMDV originated in captive mink. Farmers in the United States were the first to record accounts of this virus after breeding Aleutian (dark gray) mink in the 1940s.<sup>86</sup> Some researchers note the emergence of AMDV and the rise of mink farming in North America occurred almost simultaneously and state the farmers' mistaken belief that the sickness only affected dark gray mink allowed the virus to spread undetected across continents.<sup>87</sup> Others argue it is too much of a leap to assume AMDV appeared spontaneously in captive mink.<sup>88</sup>

It is undisputed, however, that mink farming played and continues to play a role in expanding the range of the virus and increasing its

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79. *Ibid*, ss 30, 36.

80. We Animals Media, *supra* note 73 at 00h:09m:15s.

81. *NS Regulations*, *supra* note 25, s 25; We Animals Media, *supra* note 73.

82. SN Kashtanov & L E Salnikova, "Aleutian Mink Disease: Epidemiological and Genetic Aspects" (2018) 8:2 Biology Bulletin Reviews 104.

83. Larissa Nituch et al, "Mink Farms Predict Aleutian Disease Exposure in Wild American Mink" (2011) 6:7 PLoS ONE 1.

84. AH Farid et al, "Prevalence of the Aleutian Mink Disease Virus Infection in Nova Scotia, Canada" (2012) 106:3/4 Preventive Veterinary Medicine 332 at 334.

85. *Ibid* at 333; Patricia V Turner, "Viral Diseases of Mink" (July 2021), online: *MSD Manual: Veterinary Manual* <[www.msdsvetmanual.com/exotic-and-laboratory-animals/mink/viral-diseases-of-mink](http://www.msdsvetmanual.com/exotic-and-laboratory-animals/mink/viral-diseases-of-mink)> [perma.cc/E45D-B2NA].

86. Kashtanov & Salnikova *supra* note 82.

87. *Ibid*.

88. A Hossein Farid, "Aleutian Mink Disease Virus in Furbearing Mammals in Nova Scotia, Canada" (2013) 55:10 Acta Veterinaria Scandinavica 1 at 8.

prevalence.<sup>89</sup> Wild mink living in close proximity to mink farms are more likely to test positive for the virus because the disease frequently spreads from the farms into the free-ranging population.<sup>90</sup> This can happen through the disposal of infected cadavers or waste materials, through the escape or release of infected mink, or even because of airborne transmission.<sup>91</sup> Furthermore, the virus has a high mutation rate, and the close confinement of captive mink means new viral strains can quickly develop in the animals (as occurred with COVID-19).<sup>92</sup> Researchers warn repeated introductions of AMDV into wild mink populations could cause the “long-term and sustained decline of native mink populations through direct mortality of adults, as well as by reducing both productivity of adult females and survivorship of juveniles.”<sup>93</sup> At present, nearly all wild Nova Scotian mink (93.3%) test positive for exposure to AMDV.<sup>94</sup>

#### V. *Neglect and cruelty on fur farms*

Only two fur farms in Canada have been convicted of the mistreatment of their animals. A Quebec court sentenced Jean-Luc Rodier to a \$5,000 fine and 75 hours of community service in 2017 after he pleaded guilty to wilfully causing the suffering of foxes and wilfully neglecting to provide care on his farm, Visions JNJ Inc.<sup>95</sup> Mr. Rodier also raised mink, whom the SPCA found eight to a cage with eye infections because of the ammonia fumes from their own urine.<sup>96</sup> Four foxes and one mink required immediate euthanization.<sup>97</sup> Mr. Rodier was prohibited from owning any animal for 15 years with the exception of mink.<sup>98</sup> The court stated that if Mr. Rodier chose to raise mink in order to continue working as a fur farmer, he was required to have veterinary supervision.<sup>99</sup>

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89. *Ibid*; Larissa Nituch et al, *supra* note 83; Kashtanov & Salnikova, *supra* note 82.

90. Larissa Nituch et al, *supra* note 83.

91. *Ibid*.

92. Farid et al, *supra* note 88 at 8.

93. Larissa Nituch et al, *supra* note 83.

94. Farid et al, *supra* note 88.

95. René Bruemmer, “Montréal Fox and Mink Fur Farmer Found Guilty of Animal Cruelty,” *Montreal Gazette* (21 November 2017), online: <[montrealgazette.com/news/local-news/monteregie-fox-and-mink-fur-farmer-found-guilty-of-animal-cruelty](http://montrealgazette.com/news/local-news/monteregie-fox-and-mink-fur-farmer-found-guilty-of-animal-cruelty)> [perma.cc/D2CG-GV8Z]. This case was not reported. This was not Mr. Rodier’s first run-in with the law in relation to animal abuse and neglect. In 1996, Mr. Rodier had been found guilty of 32 counts of negligence and cruelty to animals after trying his hand at dog breeding. See *R c Rodier*, [1996] JQ no 5609, JE 96-1773.

96. Bruemmer, *supra* note 95.

97. “ADLC General Meeting, Bulletin #191” (2018), online (pdf): *Animal Defence League of Canada* <[animal-defence.ncf.ca/PDF/bulletin-191.pdf](http://animal-defence.ncf.ca/PDF/bulletin-191.pdf)> [perma.cc/ER68-ADMH].

98. Bruemmer, *supra* note 95.

99. *Ibid*.

The second fur farm conviction took place in March 2021.<sup>100</sup> Millbank Fur Farm, located in Ontario, pleaded guilty to failing to comply with standards of animal care after an undercover whistleblower released footage of unclean conditions and sick animals.<sup>101</sup> This farm is much larger than Visions JNJ Inc. and kills approximately 40,000 mink per year.<sup>102</sup> This conviction resulted in a fine.<sup>103</sup>

There are several important points emerging from these cases. First, mink were exempted from Mr. Rodier's prohibition on owning animals. In this case, the ability of a demonstrably neglectful man to maintain his line of work was given greater importance by the court than the health interests of thousands of mink. Together, the two convictions suggest the regular abuse and neglect of fur-bearing animals will not result in severe consequences for offenders. The scarcity of legislation on this issue and the deficiencies of the existing legislation also support this conclusion. Second, both fur farms pleaded guilty to their charges. A quiet guilty plea and a conviction is less damaging to a fur farm and the fur industry than a public trial, which risks inciting renewed public discussion about the morality of fur farming. Third, the Millbank Fur Farm situation demonstrates the importance of hidden camera footage and undercover employees in seeking justice for farm animals.

No fur farm or fur farm worker in Nova Scotia has faced similar accusations of cruelty in a court of law, but testimony in one instance of litigation revealed the neglect that can occur on a fur farm. A co-owner of A & J Fur Farm Limited, Blair Mullen, testified during a dispute in front of the Nova Scotia Labour Standards Tribunal that Donald Robicheau, a former employee, once refused to give water to the nearly 20,000 mink in the farm's sheds.<sup>104</sup> Mr. Mullen also testified that on one occasion Mr. Robicheau said he would not remove a dead mink from a pen and failed to have a member of his crew remove it, even though he knew the mink's carcass would simply rot in the pen.<sup>105</sup> Mr. Mullen finally fired Mr. Robicheau and his wife because they failed to inoculate 8,000 mink

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100. Kevin Mercuri, "Millbank Fur Farm Pleads Guilty Following Last Chance for Animals' Animal Cruelty Complaint," *Globe Newswire* (26 March 2021), online: <[globenewswire.com/news-release/2021/03/26/2200334/24012/en/Millbank-Fur-Farm-Pleads-Guilty-Following-Last-Chance-for-Animals-Animal-Cruelty-Complaint.html](https://globenewswire.com/news-release/2021/03/26/2200334/24012/en/Millbank-Fur-Farm-Pleads-Guilty-Following-Last-Chance-for-Animals-Animal-Cruelty-Complaint.html)> [perma.cc/CHC4-89UB].

101. *Ibid.*

102. *Ibid.*

103. *Ibid.*

104. *Donald Joseph Robicheau v A & J Fur Farm Limited*, (2008) CanLII 92074 (NSLST) at para 32 [*Robicheau*].

105. *Ibid* at para 31.

against a disease that had begun to spread among mink on the farm.<sup>106</sup> Many mink later died from the disease, causing Mr. Mullen and his wife (the farm's other owner) to suffer severe financial losses.<sup>107</sup>

Significantly, Mr. Mullen testified he did not take disciplinary action against Mr. Robicheau for refusing to provide mink with water or leaving a dead mink in a pen.<sup>108</sup> Mr. Mullen stated he did not reprimand Mr. Robicheau because mink workers are difficult to find.<sup>109</sup> Mink farming, like other forms of animal agriculture, is demanding and requires long hours,<sup>110</sup> but it is worrisome that Mr. Mullen used this fact to ignore more than one instance of mistreatment. Furthermore, he only took action in response to mistreatment when it culminated in a loss of profit. If this level of leniency is common among mink farm owners because there is only a small pool of available or willing workers, there is cause for concern that mink routinely experience neglect or abuse by mink farm workers in Nova Scotia.

This case is also an example of a judicial body failing to acknowledge and condemn specific incidents of cruelty or neglect against fur-bearing farm animals. The Labour Standards Tribunal found the Robicheaus' choice not to vaccinate the mink caused the deaths of more than 1,000 animals,<sup>111</sup> but the decision focused on the "financial ruin" suffered by the Mullens as a result of these deaths.<sup>112</sup> The effect of the mink deaths on the Mullens was an important element of the hearing, but the Tribunal's decision not to remark upon the inherent significance of the deaths nonetheless communicates that the value of each animal's life was limited to the dollar amount each pelt could receive.<sup>113</sup>

## VI. *Moral and philosophical arguments against mink farming*

*Rodier, Millbank, and Robicheau* are troubling because they reveal fur-bearing animals are sometimes victims of cruelty or neglect at the hands

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106. *Ibid* at para 52.

107. *Ibid*.

108. *Ibid* at para 34.

109. *Ibid*. This comment also suggests rural residents are not attracted to the idea of working on mink farms, which conflicts with the belief held by some of Nova Scotia's legislators that fur farms would provide desirable employment valued by workers in rural communities.

110. Truth About Fur, "What Is It Really Like to Work on a Mink Farm?" (17 December 2013) at 00h:00m:10s, online (video): *YouTube* <[www.youtube.com/watch?v=OGEled5Kpwg](http://www.youtube.com/watch?v=OGEled5Kpwg)> [perma.cc/SBQ2-NDB3].

111. *Robicheau*, *supra* note 104 at para 47.

112. *Ibid* at paras 49, 51, 76, 80.

113. Food animals are also often reduced to the value of their meat or the products they produce. The commodification of food animals is discussed in Heather McLeod-Kilmurray, "Commoditizing Nonhuman Animals and Their Consumers: Industrial Livestock Production, Animal Welfare, and Ecological Justice" (2012) 32 *Bulletin Science, Technology & Society* 71.

of farmers, but a broader question lurks in the background. Animal rights scholars explain “the main problem [of factory farming] is not a matter of preventing isolated incidents of animal abuse. The core issue is the commercial pressures that exist in a competitive market system in which animals are items of property....”<sup>114</sup> Even if all mink farmers treated their animals in accordance with the *Code of Practice for the Care and Handling of Farmed Mink*, the nature of the fur farming industry itself still requires a level of cruelty impossible to justify for the reasons explained below.

### 1. *Mink in cages*

Mink have certain characteristics fundamentally incompatible with captivity.<sup>115</sup> Mink are solitary creatures, but they cannot find any seclusion in the sheds housing thousands of other animals.<sup>116</sup> Mink are also semi-aquatic. Fur farmers might be able to accommodate this trait with swimming basins, but the Code recommends against providing swimming water for mink on the basis that it is “impractical and poses health concerns.”<sup>117</sup>

Mink are also natural roamers. Their home ranges in the wild are no smaller than 1.5 km<sup>2</sup> and can be as large as 16 km<sup>2</sup>.<sup>118</sup> They can also travel up to 12 kilometres daily while foraging for food.<sup>119</sup> By contrast, a mink cage that adheres to the Code allows an adult female mink only 1.5 square feet of space.<sup>120</sup> The representative of the Canadian Commission of Conservation expressed concern about the individual cage system for housing mink in his 1913 report on fur farming in Canada, even before the system’s widespread use. “Mink can be reared in such pens,” the author acknowledged, “but there are grave doubts of the permanency of the good health of the animals.”<sup>121</sup>

The report also referenced the distress mink experience in captivity. The writer cautioned that “the wild mink is usually wholly unsusceptible to domestication or even semi-domestication. They frequently kill themselves by hanging, cutting their throats, or beating their heads against a wall.”<sup>122</sup> Since the report, mink farmers have universally adopted the individual cage system that does not allow mink the space for such self-destructive

114. *Ibid* at 78-79.

115. Rod Preece & Lorna Chamberlain, *Animal Welfare and Human Values* (Waterloo: Wilfred Laurier University Press, 1993) at 147.

116. Donna Naughton, *The Natural History of Canadian Mammals* (Toronto: University of Toronto Press, 2012) at 509.

117. *Mink Code of Practice*, *supra* note 21 at 13.

118. Naughton, *supra* note 116 at 508.

119. *Ibid*.

120. *Mink Code of Practice*, *supra* note 21 at 10.

121. Jones, *supra* note 8 at 75.

122. *Ibid*.

behaviours. Mink now resort to performing repetitive and seemingly purposeless behaviour patterns.<sup>123</sup> These are known as stereotypies. Most caged mink exhibit stereotypies, which include pacing, rearing, and head twirling.<sup>124</sup> Some of these movements may represent food-searching behaviour, as these stereotypies peak before feeding time, but research suggests others are derived from attempts to escape captivity or frustration at an inability to do so.<sup>125</sup>

Furthermore, captive mink are changing biologically as a result of their forced confinement. Even though humans have only kept captive mink for slightly longer than a century, the brains of mink bred in captivity are about twenty per cent smaller than the brains of wild mink.<sup>126</sup> Consequences of this include a reduction in motor abilities and smell differentiation.<sup>127</sup> It is theorized selective breeding “favoured individuals adapted to the demands of more or less tolerating the strong spatial restrictions of cages.”<sup>128</sup> Captive mink are not only aggravated and neurotic; they are genetically deteriorating in response to their forced confinement.

As explained above, farmed mink in Nova Scotia regularly contract AMDV and any mink testing positive for the virus is killed. There is no record of the number of captive mink culled per year due to AMDV in Nova Scotia, although this number is almost certainly in the thousands.<sup>129</sup> COVID-19 is another disease that has provoked mass mink culls. These occurred in Spain and the Netherlands as well as in Denmark.<sup>130</sup> Of the

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123. Georgia J Mason, “Age and Context Affect the Stereotypies of Caged Mink” (1993) 127:3/4 Behaviour 191 at 198.

124. *Ibid.*

125. *Ibid* at 221-222; Andrea Polanco, *The Forms of Stereotypic Behaviour in Farmed Mink (Neovison Vison)* (2016) [unpublished, archived at University of Guelph Library].

126. Dieter Kruska, “The Effect of Somestication on Brain Size and Composition in the Mink (*Mustela Vison*)” (1996) 239:4 J Zoology 645 at 657.

127. *Ibid* at 659.

128. *Ibid.* Despite this, captive mink become naturalized when they escape to the wild. See A G Kidd et al, “Hybridization Between Escaped Domestic and Wild American Mink (*Neovison Vison*)” (2009) 18:6 Molecular Ecology 1175.

129. One survey revealed 3.34% of 2,964,920 samples from captive mink in Nova Scotia tested positive for AMDV over an 8-year period from 1998-2005, which averages out to nearly 12,500 AMDV-positive mink per year. There are two important caveats. This number may have been higher at the time of the survey because it did not include approximately forty per cent of the active farmers in the province. It is unclear whether those farmers were also testing for AMDV and culling AMDV-positive mink because there is no regulatory requirement for routine testing for AMDV infection. Next, the number of mink farms in Nova Scotia have roughly halved since this period. It is unclear whether the farms that closed were smaller-scale operations or large farms with a substantial number of mink, so it cannot be determined how much of an impact these farm closures would have on the annual number of culled mink. See Farid et al, *supra* note 84; *Supply and Disposition of Mink, supra* note 2.

130. “Denmark to Cull Up to 17 Million Mink amid Coronavirus Fears” *BBC News* (5 November 2020), online: <[www.bbc.com/news/world-europe-54818615](http://www.bbc.com/news/world-europe-54818615)> [perma.cc/62L5-BFY3].

ten mink farms in British Columbia, three had experienced COVID-19 outbreaks as of May 2021.<sup>131</sup> The owner of one of these farms elected to kill his entire remaining herd of 1,000 mink.<sup>132</sup> The frequent proliferation of disease and the resulting culls of captive mink have philosophical implications as well as environmental and economic impacts.

The preventative killing of agricultural animals is not unprecedented in Canada. Canadians pre-emptively culled thousands of Albertan cows in 2003 to prevent the spread of bovine spongiform encephalopathy (mad cow disease).<sup>133</sup> The country killed 11,500 more in 2017 to stop the spread of bovine tuberculosis.<sup>134</sup> The emergence of avian influenza in British Columbia caused the Canadian Food Inspection Agency to order the slaughter of 19,000,000 farm birds in 2004.<sup>135</sup> These instances are similar to the sweeping COVID-19 mink culls that took place in Europe.

The mink culls due to AMDV, on the other hand, are unique because of their regularity. Thousands of unused and diseased mink carcasses are a regular and unavoidable by-product of the industry. The culls can also be distinguished because of their purpose. Humans are susceptible to mad cow disease, bovine tuberculosis, and bird flu, but humans are not at risk of catching AMDV. Farmers cull AMDV-positive mink for the sole purpose of preventing profit loss. Finally, many people would view the AMDV mink culls in a different light than other culls because mink are not raised for food. It is easier to accept the occasional culls of food animals as a necessary, if drastic, measure because a majority of people believe farming animals for food is an indispensable practice. The culls of fur animals, on the other hand, only increases the death toll of an industry many already view as unethical.

The method used to cull mink is also a point of concern for some animal welfare organizations. Mink are most often killed by gassing. The Humane Society International points out that this is problematic because mink, as semi-aquatic animals, can hold their breath for long periods of

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131. St. John Alexander, “More Calls to Ban Mink Farms after Animal at 3rd BC Facility Tests Positive for Coronavirus,” *CTV News* (20 May 2021), online: <[bc.ctvnews.ca/more-calls-to-ban-mink-farms-after-animal-at-3rd-b-c-facility-tests-positive-for-coronavirus-1.5437604](https://bc.ctvnews.ca/more-calls-to-ban-mink-farms-after-animal-at-3rd-b-c-facility-tests-positive-for-coronavirus-1.5437604)> [perma.cc/V7EB-ZM9L].

132. “BC Mink Farmer Decides to Destroy 1,000 Animals After Positive COVID-19 Tests” *CBC News* (5 January 2021), online: <[www.cbc.ca/news/canada/british-columbia/mink-farmer-destroys-1000-animals-covid-1.5862606](https://www.cbc.ca/news/canada/british-columbia/mink-farmer-destroys-1000-animals-covid-1.5862606)> [perma.cc/K5SE-EK3W].

133. Bisgould, *supra* note 23.

134. “Alberta Bovine TB Outbreak That Prompted Killing of 11,500 Doesn’t Seem to Have Spread: CFIA” *CBC News* (5 December 2017), online: <[www.cbc.ca/news/canada/calgary/tb-bovine-tuberculosis-cfia-compensation-testing-cattle-beef-industry-producers-calgary-1.4434037](https://www.cbc.ca/news/canada/calgary/tb-bovine-tuberculosis-cfia-compensation-testing-cattle-beef-industry-producers-calgary-1.4434037)> [perma.cc/2E3T-QZA8].

135. Bisgould, *supra* note 23 at 164.

time.<sup>136</sup> This means some mink must undergo a second gassing. A viral video from the Denmark COVID-19 culls showed “a lone, live mink wriggling in a box full of other dead animals.”<sup>137</sup> For mink, gassing does not guarantee a swift death or one without distress.

### 3. *Perceptions of fur farming*

Canada operates as a representative democracy. Accordingly, the legislation enacted by elected representatives ought to align with the beliefs of Canada’s population. This alignment rarely occurs in the field of animal law because our legal system is “based on a fundamental bifurcation of the world into persons and things, with animals unambiguously and seemingly irrevocably consigned to the latter category.”<sup>138</sup> The legal system is able to minimize animal interests because of this categorization.

However, the elimination of mink farming can occur without a drastic reform to the legal system’s conceptualization of animals. This advancement only requires legislators to act on beliefs most Canadians hold regarding fur farming. More than three in five Canadians support an outright federal ban of the practice.<sup>139</sup> Politicians have a moral obligation to represent their constituents, and taking action to end mink farming in Nova Scotia would be a fulfillment of that obligation.

## VII. *Fur farming in other jurisdictions*

### 1. *Jurisdictions banning or phasing out fur farming*

A ban on mink farming in Nova Scotia would be in line with developments in other jurisdictions, particularly in Europe. The UK was the first major Western power to outlaw fur farming in 2000.<sup>140</sup> Other countries with complete fur farming bans include the Czech Republic, Croatia, and Slovenia.<sup>141</sup>

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136. Sophie Kevany & Tom Carstensen, “Danish Covid Mink Cull and Future Disease Fears Will Kill Fur Trade, Say Farmers,” *The Guardian* (6 November 2020), online: <[www.theguardian.com/environment/2020/nov/06/danish-covid-mink-cull-and-future-disease-fears-will-kill-fur-trade-say-farmers](http://www.theguardian.com/environment/2020/nov/06/danish-covid-mink-cull-and-future-disease-fears-will-kill-fur-trade-say-farmers)> [perma.cc/D6NK-K636].

137. Jack Guy, Antonia Mortensen & Mick Krever, “Denmark Rolls Back Order for Mink Cull amid Legal Dispute,” *CNN* (10 November 2020), online: <[www.cnn.com/2020/11/10/europe/denmark-mink-cull-backtrack-scli-intl/index.html](http://www.cnn.com/2020/11/10/europe/denmark-mink-cull-backtrack-scli-intl/index.html)> [perma.cc/3A45-6ERS].

138. Peter Sankoff, Vaughan Black & Katie Sykes, “Introduction” in Peter Sankoff, Vaughan Black & Katie Sykes, eds, *Canadian Perspectives on Animals and the Law* (Toronto: Irwin Law, 2015) 1 at 4. But see Angela Fernandez, “Not Quite Property, Not Quite Persons: A ‘Quasi’ Approach for Nonhuman Animals” (2019) 5:1 *Can J Comparative & Contemporary L* 155.

139. Léger, Press Release, “Support/Opposition for Fur Farming Ban” (2014), online (pdf): <[www.hsi.org/wp-content/uploads/assets/pdfs/leger-fur-ban-survey-121714.pdf](http://www.hsi.org/wp-content/uploads/assets/pdfs/leger-fur-ban-survey-121714.pdf)> [perma.cc/MPA7-97A4].

140. *Fur Farming (Prohibition) Act 2000* (UK), c 33.

141. “Global Fur Farm Bans,” (13 October 2015), online: *Humane Society International* <[www.hsi.org/news-media/fur-farming-bans/](http://www.hsi.org/news-media/fur-farming-bans/)> [perma.cc/Z6ZS-QQ6B].

As mentioned above, British Columbia plans to end fur farming within the province over the next few years.<sup>142</sup> Existing farms cannot increase their number of mink, live mink cannot be kept after April 2023 and all mink farm operations must be shut down by April 2025.<sup>143</sup> This plan gives fur farm operators and workers time to transition to other industries.

Some jurisdictions have elected to introduce regulations strict enough to make the fur industry fiscally unviable within their borders. In Switzerland, for instance, mink must have access to a swimming area of a certain size.<sup>144</sup> This is a gentler approach to the elimination of fur farming.

## 2. *Jurisdictions imposing stricter regulations*

Legislation attempting to advance animal welfare on fur farms while permitting those farms to continue operating has not been shown to offer meaningful benefits to fur-bearing animals. Copenhagen Fur, the Danish cooperative, collaborated with the country's SPCA in 2007 in order to create stricter mink welfare regulations than were required at the time by the European Union.<sup>145</sup> This was a legislative success, but the SPCA has stated the collaboration ended because Copenhagen Fur was unwilling to work toward alternative housing and production methods that would result in better animal welfare.<sup>146</sup> This suggests the fur industry is eager to depict itself as a sector striving to improve animal well-being, but it is quick to curtail those efforts once they threaten to have a serious effect on its bottom line.

Kopenhagen Fur's website states the cooperative is committed to mink health and that it handles "no more than five complaints annually with even less concerning animal welfare."<sup>147</sup> This was not an accurate portrayal of the conditions on Danish fur farms prior to the COVID-19 pandemic. Inspections carried out by the Danish Centre for Animal Welfare in 2010 revealed there were animal welfare regulation infringements on half of Denmark's fur farms, which were overwhelmingly mink farms.<sup>148</sup> The

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142. *BC to Permanently Close*, *supra* note 1.

143. *Ibid.*

144. *Tierschutzverordnung (TSchV)*, 23 April 2008, SR 455.1, art 183 at 113 (Switz).

145. Lynsey Grosfield, "Mink on the Brink: The Troubles Facing Fur Farmers in Denmark," *Modern Farmer* (16 February 2016), online: <modernfarmer.com/2016/02/mink-fur-farming-denmark/> [perma.cc/9R2N-PV8W].

146. *Ibid.*

147. "Leading the Way with Danish Mink Farming" (2020), online: *Kopenhagen Fur* <www.kopenhagenfur.com/en/responsibility/animal-welfare/danish-mink-farming-committed-to-animal-welfare/> [perma.cc/U9XT-XSRK].

148. Danish Centre for Animal Welfare, *2010: Animal Welfare in Denmark* (Copenhagen: Ministry of Food, Agriculture and Fisheries, 2011) at 53-54. The 2010 report is the most recent report that has been translated into English.

three most frequent infringements were inadequately sized nest boxes, no permanent access to straw, and a lack of documents recording medical treatment and numbers of dead animals.<sup>149</sup> Inspectors filed police reports about 11 farms because sick or injured animals were not given adequate treatment or care.<sup>150</sup> They issued warnings for carrying out incorrect killing procedures at 66 farms.<sup>151</sup> These outcomes show that regulations attempting to strike a balance between improving fur-bearing animal welfare and maintaining the viability of the fur industry do not adequately protect fur-bearing animals.

### *Conclusion*

The COVID-19 pandemic has had an unforeseeable effect on the global fur industry. The largest fur-producing country in the world shut down its mink industry in less than two weeks. The controversy surrounding this mass cull has brought new public attention to fur farming and the problems embedded in the practice.

Fur farming offers no reliable economic benefit to Nova Scotia and the industry may never fully recover from the unprecedented global pelt price collapse of the past decade. Mink farms poison the province's waters and threaten its wildlife with the repeated introduction of new disease strains. Mink are at risk of cruelty and neglect at the hands of mink farmers. Furthermore, the fur industry itself is inhumane. Mink are confined to tiny cages and huge numbers are killed and discarded every year due to disease. The life of a mink in captivity, "if it can be called a life at all, is treated with utter disrespect for every aspect of its nature. The ranched animal is nothing more than a fur-producing machine."<sup>152</sup>

Provincial and federal statutes and regulations do not do enough to ensure fur-bearing animal welfare and there is no indication this will change in the future. Animals on farms are often exempted from even the meagre protections offered to other animals. An analysis of other jurisdictions reveals none have successfully enacted legislation that both maintains the fur industry and protects fur-bearing animal welfare, and the importance of the animal interest in the latter should outweigh the human interest in the former. Now is the time for Nova Scotia legislators to follow British Columbia's lead and abolish mink farming in the province.

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149. *Ibid.*

150. *Ibid* at 95.

151. *Ibid.*

152. Preece & Chamberlain, *supra* note 115 at 147.

